IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

OP.No. 17406 of 2001(V)

PETITIONER:

T.P. KUNHU, S/O. KUTTAN,
RETD. SUPDT., REGIONAL WORKSHOP,
EDAPAL, DWARAKA, NEAR B.E.M. U.P. SCHOOL,
KODAKKAL.P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF.

RESPONDENTS:
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1. **THE MANAGING DIRECTOR,**
   THE KERALA STATE ROAD TRANSPORT CORPORATION,
   TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. **THE CHIEF PERSONNEL MANAGER,**
   KERALA STATE ROAD TRANSPORT CORPORATION,
   THIRUVANANTHAPURAM.

3. **THE WORKS MANAGER,**
   KERALA STATE ROAD TRANSPORT CORPORATION,
   REGIONAL WORKSHOP, EDAPAL,
   MALAPPURAM DISTRICT.

BY

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 27806/2001 IN O.P. NO. 17406/2001

DISMISSED

16/07/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE MEMORANDUM NO. PLE4/88868/95 DTD. 30/04/1996 OF THE R.1.

EXT.P.2: COPY OF THE APPLICATION STATEMENT OF PARITY FIXATION OF PAY AS PER CHIEF OFICE ORDER NO. PLE.4/88868/95 DT. 30/04/1996.

EXT.P.3: COPY OF THE FORWARDING LETTER NO. RW1-18/97 EDAPAL DTD. 02/01/1997.

EXT.P.4: COPY OF THE MEMO DTD. 07/07/1997 OF THE ASST. PERSONNEL OFFICER, K.S.R.T.C.

EXT.P.5: COPY OF THE COMMUNICATION NO. RW1/18/97 DTD. 18/10/97 FROM THE WORKS MANAGER, RW, EDAPAL TO THE R.1.

EXT.P.6: COPY OF THE REQUEST DTD. 01/12/1998 FROM THE PETITIONER.

EXT.P.7: COPY OF THE COMMUNICATION DTD. 01/12/1998 FROM THE WORKS MANAGER, RW, EDAPAL TO THE R.2.

EXT.P.8: COPY OF THE APPLICATION FOR PARITY FIXATION OF PAY AS PER C.O. ORDER NO. PLE4/88868/95 FROM THE PETITIONER DTD. 01/10/99.

EXT.P.9: COPY OF THE LETTER DTD. 01/10/1999 FROM THE PETITIONER TO THE R.1.

EXT.P.10: COPY OF THE MEMO NO. RW1.18/91/EDPL. DTD. 08/05/2001 FROM THE WORKS MANAGER, RW, EDAPAL TO THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE.

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.NO.17406 of 2001

Dated this the 16th day of July, 2007

JUDGMENT

Petitioner retired from the service of the K.S.R.T.C on 30.6.1995. He was attached to the Regional Workshop, Edapal in Malappuram District. He resides at Kodakkal in Malappuram District.

2. The K.S.R.T.C brought out Exhibit P1 order dated 30.4.1996 calling for requests to maintain parity where disparity is shown between seniors as against juniors enjoying a higher scale. The monetary benefit of that order was given with effect from 1.4.1996 only. The aggrieved seniors were to give complaints within one month from the date of that order, which was obviously 31.5.1996. There is nothing on record to show that Exhibit P1 order was issued on the date it bears or that it was communicated and made available to the retired employees of K.S.R.T.C in a reasonable manner within a particular time frame. As a matter of fact, Exhibit P3 shows that the application of the petitioner for parity fixation was filed on 1.1.1997 and it was forwarded by the Works Manager on the next day. As per Exhibit P4, the chief office of the K.S.R.T.C returned the service book of the petitioner for re-transmission along with L.P.C

after parity fixation on request. By Exhibit P5, the third respondent addressed the second respondent stating that the parity application of the petitioner has already been forwarded and his service book has not been received from pension section of the chief office. The parity application was accordingly requested to be transmitted. The aforesaid details would categorically show that it would be unreasonable, unjust and arbitrary to turn down the entitlement of the petitioner, if any, in accordance with law for parity, solely on the ground that he had not applied before 31.5.1996.

In the aforesaid circumstances, this Writ Petition is allowed directing that the pay parity application of the petitioner forwarded along with Exhibit P3 will be taken up, considered and a decision rendered thereon within an outer limit of one month from the date of receipt of a copy of this judgment, without reference to the date of filing of the said application. All consequential benefits shall also be extended to the petitioner. The claim for interest is refused.

THOTTATHIL B.RADHAKRISHNAN,
JUDGE

vgs.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.NO.17406 OF 2001

J U D G M E N T

16.07.2007